

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 KENNETH PRATT,

13 Defendant.

CASE NO. CR19-0248-JCC

ORDER

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15 This matter comes before the Court on Defendant Kenneth Pratt's unopposed motion to
16 proceed with a guilty plea hearing by video conference (Dkt. No. 35). Having thoroughly
17 considered the motion and the relevant record, the Court hereby GRANTS the motion for the
18 reasons explained herein.

19 **I. BACKGROUND**

20 On December 4, 2019, Mr. Pratt was charged by indictment with possession of a
21 controlled substance with intent to distribute and possession of a firearm in furtherance of a drug
22 trafficking crime. (Dkt. No. 1.) Mr. Pratt was initially ordered detained but has since been
23 released on an appearance bond. (*See* Dkt. Nos. 7, 9, 26, 27.) After multiple continuances, trial is
24 presently scheduled for February 1, 2021. (*See* Dkt. Nos. 14, 20, 33.) The parties have reached a
25 plea agreement and Mr. Pratt moves to enter a guilty plea by video conference. (Dkt. No. 35.)
26 According to the motion, under the plea agreement, the Government will recommend a sentence

1 of 72 months of imprisonment and will dismiss two counts of the indictment as well as other
2 charges pending against Mr. Pratt in the Eastern District of California. (Dkt. No. 35 at 3.) Mr.
3 Pratt wishes to proceed remotely to resolve both cases, begin serving his sentence, and move
4 forward in a timely fashion. (*Id.*) The Government does not oppose the request.

5 **II. DISCUSSION**

6 Because of the health risks posed by the COVID-19 pandemic, the Court may conduct a
7 felony plea hearing by video conference if the defendant consents and the Court finds that the
8 plea hearing cannot be further delayed without serious harm to the interests of justice. *See*
9 Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136,
10 §§ 15002(b)(2)(A), (b)(4), 134 Stat. 281, 528–29 (2020); W.D. Wash. General Order No. 17-20
11 (Dec. 23, 2020), 14-20 (Sept. 24, 2020), 04-20 (Mar. 30, 2020). Mr. Pratt has a strong interest in
12 the speedy resolution of this matter and the matter pending in California. Under General Order
13 18-20, in-person proceedings will not resume in this District until at least April 1, 2021. *See*
14 W.D. Wash. General Order No. 18-20 at 2 (Dec. 30, 2020). The Court finds that delaying Mr.
15 Pratt’s guilty plea hearing, and therefore his sentencing, for at least eleven weeks, despite having
16 already reached a plea agreement with the Government, would cause serious harm to the
17 interests of justice.

18 **III. CONCLUSION**

19 For the foregoing reasons, the Court GRANTS Defendant’s unopposed motion to proceed
20 with a guilty plea hearing by video conference (Dkt. No. 35). The Court ORDERS that
21 Defendant’s guilty plea hearing before a Magistrate Judge be set as soon as practicable and be
22 conducted by video conference. The Court DIRECTS the presiding judge to establish a record of
23 Defendant’s consent for the hearing, in accordance with General Order No. 04-20.

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1 DATED this 14th day of January 2021.
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John C. Coughenour

5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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